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Warren, George Copp

Convict labor on country roads

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Convict Labor on Country Roads

How Fulton County, Georgia, Has Solved the Convict Labor Problem

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By

George C. Warren

Sept 1914 Rds Hist

(Reprinted from *General Federation of Women's Clubs Magazine*, June, August and September, 1914, issues.)

CONVICT LABOR ON COUNTRY ROADS

How Fulton County, Georgia, Has Solved the Convict Labor Problem

By George C. Warren

In these days of modern improvement, perhaps there is no economic question of greater importance or receiving more earnest consideration than that of more humane, industrial treatment of the unfortunate convicts and of making them more useful members of society.

The evils of contracting convict labor at low prices to manufacturers for producing goods for sale on the market, in competition with similar products manufactured by free labor, which was in general vogue in our State penitentiaries and county jails, have come to be well recognized and the practice quite generally abandoned. Labor organizations and others did well in their opposition to the contract convict labor system, but, in their extreme opposition, they have at times improperly *opposed all* labor of convicts. As a result there has followed a period of maintaining the convict either in absolute idleness or not permitting him to perform

Peachtree Street, Atlanta, Ga., near 8th Street. Bitulithic pavement laid by Fulton County convict labor

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Peachtree Street, Atlanta, Ga., near 8th Street. Bitulithic pavement laid by Fulton County convict labor

work in the production of articles of which he can see a use. This is still the practice in many institutions. About twelve years ago it was the writer's privilege to spend a half day under favorable auspices in going through the Elmira (N. Y.) Reformatory, which had the reputation, doubtless well earned of being one of the best managed reformatories in the country. It was heartrending to see the convicts taking their daily exercise, marching in line, back and forth, through the prison yard. The yard was unpaved and consisted of compacted gravel. Occasionally a piece of gravel would become loosened and the duty of a convict, on seeing such a piece of loose gravel, was to pick it up and put it in his pocket. After the exercise of an hour or so was over and before returning to their cells, the men would empty their pockets into a receptacle for the purpose. How nearly useless and how degrading is such employment? No work for production of goods for sale was permitted under the law, but the effort was made to teach men trades—carpentry, brick masonry, blacksmithing, etc. The men learning masonry, for instance, would one day build a wall about ten feet long and ten feet high, which the next day they would tear down and rebuild, going through this operation in a little enclosure day after day. Could anything be designed which would be destined to cause a greater loathing for the brick mason's trade, thus taught, than this

Quarrying solid rock excavation, 40-foot roadway, 20-foot cutting, by convict labor Fulton County, Ga.

perpetual accomplishing no useful end other than the mechanical education which, being enforced, the average convict probably does not appreciate?

Convict's Condition Pitiable When Released

But the most pitiable condition is when the convicts are released, after months or years of close confinement as is still the custom in most of the penal institutions of the country, in a nearly dark, poorly ventilated cell. Released with a grudge against the world; sullen in temper; sallow in complexion; broken down in health from sedentary habits and lack of work; given a very poor and uniform suit of clothes, a few dollars in his pockets and thrown on the world, generally without friends, to find a job. The first question asked of an applicant for work is reference to his last employer. He must either lie, and probably be caught in the lie, or face the fact that ninety-nine times out of a hundred the prospective employer, even if he had a job to offer, will not trust it to an "ex-convict."

Is it any wonder that convicts, released under such conditions, take the little money given them by the State on release, and either make straight for the saloon or gambling den, if that has been their past infirmity, or use it to get a supply of burglar's tools, if their past efficiency has been along the burglary line?

The Road Problem

As a result of the general introduction of automobiles, both for pleasure and business purposes, with their destructive effect on the old types of roads, the country is fast awakening to a realization of the fact that the country roads of the future must be as substantially built as city pavements.

In fact, the narrow country road thoroughfare today carries a greater traffic per foot of width of improved area than fully three-fourths of the wider streets of any city. Congress has just passed a bill appropriating $5,000,000 per annum as a national aid to maintenance of State roads, but that large appropriation is "not a drop in the bucket." The National Highway Association is energetically advocating the building, by the

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Federal Government, of 55,000 miles of highly improved country roads, including several stretches from the Atlantic to the Pacific, and from Canada to the Gulf of Mexico or Mexican border. Such "National Highways" it is proposed should be built, maintained and owned by the Federal Government, leaving the States, counties and townships to build "feeders" into the "National Highways." Such a system of National Highways, if well built, would cost approximately eight hundred millions of dollars ($800,000,000).

The State of New York alone has just completed the expenditure of an appropriation of fifty millions of dollars ($50,000,000) and in 1912 voted a second appropriation of $50,000,000. With this vast expenditure the New York State roads are as yet scarcely "scratched over." Generally speaking, the work done has proved unsatisfactory and is rapidly deteriorating because it has been done too cheaply in an effort to make the expenditure go as far as possible—much farther than it can be spread to meet the exacting conditions of the modern motor car and motor trucks.

Other states are rapidly adopting appropriations of corresponding large amounts as New York.

Convict Labor on the Country Road

This immense development of modern country road construction and maintenance is a new industry—one for which a vastly increased amount of labor is being required. It, therefore, does not "compete" with present employment of labor. Labor thus employed is not in the manufacture of articles for sale and thus put in competition with the product of other laborers. The National, State, county or township roads are built at the expense of the public, for the public use, and not for sale to anyone. What more fitting employment could there be for convict labor as far as such convict labor is available? On such employment the men would have good air, good useful exercise, and could each day see the product of their labor performing a use, which is a most important consideration of the moral welfare of the men after they have completed their

Convicts spreading Warrenite road surface, Fulton County, Ga.

sentences. On release they will have learned a "trade" at which they can immediately get employment on other roads without the ignominy of being asked "where last employed." With that fair start each man would advance on his merits with his new employer and his "past employment" would be forgotten. In short, the ex-convict would be given a fair chance and a new start in the world, which he never can get under the convict system now in vogue.

This is no "idle dream." It has been practically tried out in Colorado, New York, Washington, Oregon and other States, to a sufficient extent to prove beyond peradventure that it is practicable. In many cases, where the convicts are put on their "honor" they respect the honor and become better and more industrious convicts and are destined to become better citizens on return to freedom.

Among the articles which have been written recently on the subject of "Convict Labor" the public is indebted to Mr. Richard Barry for two articles recently published in *The Century Magazine* on the subjects:

"New Hope for the Convict," in the issue of February, 1914.

"The Next Step in Prison Reform," in the issue of March, 1914.

"The Laborer is Worthy of His Hire"

On such useful outdoor work who will raise his voice and say that the convict should not be permitted to work on the roads or elsewhere, because, forsooth, some "free" laborer would like his job? It is the first duty of every man to usefully employ his time and it is the first duty of society to see, as far as possible, that he not only has the opportunity, but that he be forced to exercise that duty. Is the duty of both the individual and society in this respect any less in the case of the convict than of the free laborer?

Swedenborg says: "By 'works' are meant uses which are actually done; for in uses and according to them is the all of charity and faith. * * *

"Idleness is the devil's pillow—because man inclines to impure things and—the love of uses alone repels them."

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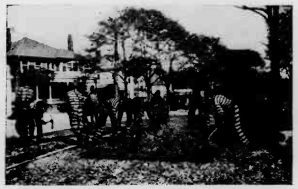

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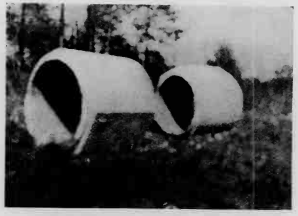
Reports are published that in Missouri and elsewhere a certain amount per day of employment of the convict is paid to his family, so that he is thus enabled to contribute to the support of his family while in confinement. What an immense advantage that is to the convict's moral condition!

I don't know that it has been tried, but it seems to me entirely practicable to set aside for the benefit of the convict a certain amount per day of time employed while under sentence. It is suggested that the amount should be a reasonably full measure of the value of his service, less the cost of his support in confinement. Under wise supervision portions of such "earnings" should go to the family of the convict if required for their reasonably comfortable support and as much as possible set aside in a savings bank at interest so that when the convict is released the head of the penal institution can say to him, "You have been industriously employed . . . days and earned over the cost of your board $..... of which $.....has been given to your family for its support and here is a savings bank account for $..... covering the balance with interest. Engage yourself in some useful employment and the Lord will be with you in your effort to be a useful, industrious member of society." Contrast such a release with the present custom of setting an ex-convict "adrift" with a poor suit of uniform cloth, which immediately marks him as an ex-convict, and five dollars in his pocket with which to find his bearings.

"Bond for Faithful Performance of Trust"

The interesting article above referred to, "The Next Step in Prison Reform," gives in detail a most interesting plan adopted in the "Ohio State Reformatory" under which convicts who are believed to be worthy of the trust are given employment on the prison farm, without physical restraint. When thus put on the farm the convict is handed a bond signed by the convict as "Principal" and by the General Superintendent



A couple of sections of 48-inch reinforced lock joint concrete pipe made by convicts, Fulton County, Ga.

of the Reformatory as "Surety", the "conditions of the obligation" being as follows:

"Now if the said John Doe, Serial Number 5656, *shall well and faithfully execute the trust thus reposed in him and shall observe and obey all the rules and regulations governing said trust, then this obligation with all penalties provided for in the rules and regulations shall be void, and on the release of said John Doe on parole from the Ohio State Reformatory, he shall be given this bond to keep and to hold as positive evidence to all concerned, not only of his good record as an inmate of the reformatory, but that he enjoyed the confidence and faith of the management on the grounds that in all things he conducted himself as becomes a man and a good citizen.*

Witness our hands this 20th day of November A.D., 1913.

John Doe,

(*Principal*)

J. H. Leonard,

(*Surety*)

Bonds like these are used when permitting an inmate of the reformatory to join the group of men who are employed without any physical restraint whatever, that is, when a man undertakes to regulate his conduct by inhibitory forces rather than to be subject of prohibitory stress. *Since this system was instituted, ten years ago, the superintendent has signed more than 2600 such bonds, and only 18 of this number have been dishonored.*"

View of 14-foot concrete sewer built by convicts, Fulton County, Ga

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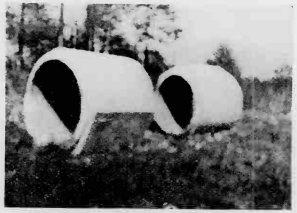

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View of 14-foot concrete sewer built by convicts, Fulton County, Ga

At the same time the convict is handed a "pass" which reads as follows:

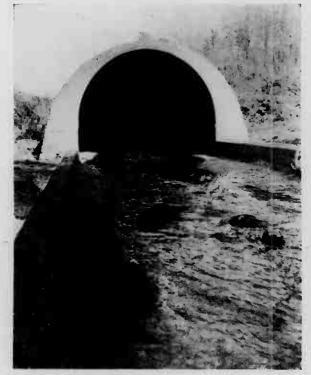
"In giving you this pass, I give you my confidence. I am sure you will fully appreciate this opportunity to demonstrate not only to me, but to the board of managers and to your friends who await your restoration to freedom that you have the self-control, the respect for law, and the proper regard for your word of honor that justifies us in permitting you such a large measure of freedom. Remember, when tempted, that trustworthiness is the bed-rock of character."

It is reported by Mr. Barry that:

"During the ten years that the system has been in operation in the Ohio reformatory twenty-six hundred prisoners have been allowed to work in the open without guard. Only eighteen have ever attempted to escape. The others preferred their healthy, interesting work in the open, and the bond and the card."

Fulton County, Georgia

Fulton County surrounds and includes the city of Atlanta, as Allegheny County, Pa., surrounds and includes Pittsburgh. On account of the large assessed valuation of these large, enterprising cities, the counties are highly favored in the monies available for road construction and maintenance, in consequence of which they have always been in the foreground of communities having a large mileage of high-grade road construction well maintained.



Trunk sewer outlet size 14 feet. Concrete built by convicts, Fulton County, Ga.

Fulton County has for many years employed its convicts exclusively in its highway construction. It has been the privilege and pleasure of the writer to closely follow this convict labor highway construction in Fulton County, which not only includes the building of roads, but also the quarrying of stone for use in the roads and concrete construction, the building of concrete bridges and bridge abutments, laying of sewers, manufacture of cement concrete pipe, street grading, etc. In short everything which is required in high class road construction which can be built locally.

The writer is indebted to Mr. W. T. Wilson, C. E., Engineer of Fulton County, for a series of photographs incorporated with this article, illustrating the convicts at work and the completed works constructed by convict labor.

It will be noticed by the photographs that in this case the convicts are all negroes, and are in the usual striped uniform of penal institutions. It has been claimed by some that the striped clothing and their marking of the men is degrading and unnecessary. This is a matter of detail which could be easily changed if best and safe. Perhaps in this and other respects different treatment of white men in the North can be practiced than is practicable with colored convicts of the South. However this may be, there can be no question that, whatever the clothing, work on the public highway is far less degrading than idleness in a prison cell. Fulton County has several camps in different sections of the county where the convicts engaged in road construction are fed and housed in tents.

On the question of white vs. colored convicts, Mr. Barry, referring to a case of extreme cruelty practised in a prison in Richmond, Texas, through dark cell incarceration and flogging, says "necessity" for the treatment was claimed by the authorities because "the negro criminal was more difficult to deal with than any other kind, that he was less amenable to

A 40-foot span, 60 feet wide, concrete bridge, built by convicts, Fulton County, Ga.

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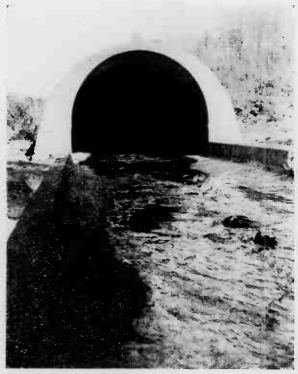

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On the question of white vs. colored convicts, Mr. Barry, referring to a case of extreme cruelty practised in a prison in Richmond, Texas, through dark cell incarceration and flogging, says "necessity" for the treatment was claimed by the authorities because "the negro criminal was more difficult to deal with than any other kind, that he was less amenable to

A 40-foot span, 60 feet wide, concrete bridge, built by convicts, Fulton County, Ga.

reason or restraint, and that he could be reached only through his epidermis or his primitive imagination, which recoiled at the dark."

If it is true, as thus claimed, that negro criminals are most "difficult to deal with," then Fulton County has solved the problem of outdoor employment under the most difficult conditions.

The following facts are gleaned from the most interesting and valuable "Annual Report of the Chairman of the Board of Commissioners of Roads and Revenues of Fulton County, Ga., for year ended December 31, 1913, by Shelby Smith, Chairman Board of County Commissioners":

"There has been an average of 680 male convicts under control of the county during the year 1913, and they have been engaged on the public works of the county and the city of Atlanta. . . . The total estimate of work done by the department amounts to $766,340.87."

The amount of work of several classes by the employment of convict labor during the year 1913 is officially reported as follows:

Roads graded during 1913, 16.9 miles and miscellaneous grading, at a cost of	$105,404.98
Roads paved during 1913, 9.13 miles, at a cost of	185,007.65
Roads resurfaced during 1913, 3.55 miles, at a cost of	10,152.10
Roads oiled during 1913, 50.64 miles, at a cost of	27,427.92
21 bridges built and repaired during 1913, at a cost of	7,744.93
General road repair	49,640.00
	$385,377.58

"Of *a total of* 640 *prisoners* confined for month or period ending December 24, 1913, *there were only four* (4) *under the care of the physician.*"

"The Board authorized the Committee on Public Works to install shower baths at the County Barracks for the use of the convicts."

"National Free Labor Association"

This organization, having its offices at 832 Broadway, New York, has published (1913) a 50-page bulletin, "Road Making by Convict Labor," which contains a series of extremely interesting articles and statistics and excerpts from reports and laws on this important subject. The following extracts are of special interest. An article by Julian Leavitt, "Good Roads and Better Men," contains the following:

"Good roads are a crying necessity in this country. But until now the cost of building them has been prohibitive. We have scarcely begun to realize that in our 1,400 prison houses we have stored the labor power of 100,000 men and boys—truly an army of liberation if only applied to good purpose. I have already shown—elsewhere—how this great mass of human energy is permitted to degenerate in the cell until it poisons not only the immediate victim, but the rest of society. Now let me tell

a pleasanter story of how a few wise administrations have begun to harness this force to a great communal purpose."

Then follows statistical information from Colorado, Montana, Oregon, Maryland, Georgia, Louisiana, New York, New Jersey, Arizona, Missouri, Kansas, California, Ohio and Vermont, all of which have successfully "tried out" the employment of convict labor on the country roads. The article concludes with the following:

"Here, then, is a complete road program for any State:

"First, abolish the contract system, both in the prison and on your roads.

"Second, classify your prisoners into three groups:

"A. THE HONOR GROUP, consisting of trustworthy, good-conduct men, whose sentences are short or within sight of expiration date—i. e., the tried men who have little to gain and much to lose by attempting to escape.

"These men may be put on road work anywhere within the State.

"B. THE TRUSTY GROUP, consisting of good-conduct men whose sentences are long and far distant from expiration date—i. e., men to whom the temptation to escape may appeal powerfully, but who have demonstrated some capacity to resist it.

"These men may be put on road work in the vicinity of the prison.

"C. The remainder, who cannot be trusted.

"These men may crush rock and prepare the road material for the use of the other groups, but within the prison walls.

"Third, organize your road forces with the advice and under the superintendence of competent road engineers from the State Highway Department.

"Fourth, co-operate with the county authorities by exchanging prison labor for county food and equipment."

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"At its Biennial Convention in 1912, the General Federation of Women's Clubs passed a resolution declaring itself 'as opposed to the contract system of prison labor, and to every other system which exploits this labor to the detriment of the prisoner; and that we urge upon the several States the advisability of establishing outdoor work for able-bodied convicts, remedial care for the feeble and degenerate, and industrial education for all who have the potentiality for reform. . . . The product of the convict's labor should be consumed by the State, and the profit therefrom, above the just cost of his keep, should be used to support such dependent family as he may have."

The New York State Commission of Prisons reports:

"Your committee believes that road building by the convicts, if it receives the co-operation of the officials and the men in charge, can be made profitable to the county and town, and at the same time show earnings for the penitentiary greater than heretofore shown."

Col. Edwin A. Stevens, State Road Commissioner of New Jersey, after one season's trial of convict labor on the roads of his State, is enthusiastic in endorsing the policy generally. In a communication to the A. A. A. National Good Roads Board, the Commissioner writes:

"The experiment of convict labor on State roads, which was proved to be a success in one week, is only the beginning of good road building beyond what we already have and at a price which will spread out the money of the State beyond its present confines."

The Attitude of Organized Labor Toward Road Building by Convicts

"*Prisoners should be employed at useful and practical productive toil.* The labor of the State's unfortunates and derelicts should never be exploited for profit, and certainly never for the private profit of contractors. Let our states employ their prisoners in the production of the necessaries of life, for the maintenance of themselves and the inmates of the other State eleemosynary institutions, *or else road building.*"—(From an official statement of President Gompers of the American Federation of Labor at its convention in St. Louis, 1910.)

John J. Sonstesy, of the United Garment Workers, in the Proceedings of the National Conference of Charities and Correction, 1912, page 222, says, in regard to the question of road building by convicts:

"Many people think that the only alternative to abolishing the contract or lease system is idleness for the convicts. That this is not true has been proved in the place where the contract and lease systems have been abolished.

"Every convict who has no trade and is capable of learning one should be taught one most suitable for him to make him an efficient, intelligent mechanic, and able to follow the trade when he is released. In the arrangement of employment for the prisoners the State should endeavor to supply itself with everything necessary in its various institutions.

"A large farm should be operated, and all other necessary plants for the turning of the different raw products into the finished articles needed in the various State institutions. *The making of roads is an ideal occupation for convicts.*"

Resolution of the New Jersey Federation of Labor at its Annual Convention, 1913

"Resolved That the New Jersey Federation of Labor urges upon Fielder, so far as he is able, *to develop the State use and road work system,* and

Concrete abutments at R. R. underpass, built by convicts. A grade crossing eliminated. Fulton County, Ga.

so far as possible continue the policy laid down by his predecessor, President Wilson, on this important subject, and they request him to refuse to renew or execute any new contracts for the work of prisoners or permit the present contracts to be extended."

The Trade Union Attitude Toward Prison Labor

By John P. Frey, of the *International Molders' Journal*
(From Proceedings of National Conference of Charities and Correction, 1912, pp. 212-15.)

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"For years the trade-unions have endeavored to have the convicts employed out of doors as much as possible, where the sunshine and pure air would build up the physical man and give that rugged health which would enable the unfortunates upon their release to have clear heads and strong bodies, instead of being the pallid wrecks which so often leave the prison door, nerveless, spineless and unfit to undertake the task of reclaiming their places as useful members of society or to properly support themselves through their labor.

"The trade-unions insist that convicts shall be employed, but they are equally insistent that their labor shall be performed under conditions which will tend primarily toward their reformation. . . .

"There is much work requiring the use of both brain and hands which is necessary in connection with the maintaining of our State and eleemosynary institutions which could and should be done by convicts. *There are highways to build, there is farm produce to be provided and the convicts can do all of this with a minimum of competition with free labor and with no injury to the farmer.*

"For this work the convict should be paid by the State so that he may be made to realize that the State does not rob him of his labor—a common impression among the convicts today—but that his confinement has been made necessary for his own good and the safety of society, and that during this confinement society is discharging its obligations to him, giving him an opportunity of reformation, and enabling him to earn money which will save him from actual

"Maney" 4-wheel scraper outfit grading road by convict labor, Fulton County, Ga.

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Referring again to Fulton County, the experience proves that the very highest and most modern types of road construction requiring expert labor and technical skill can be built successfully with convict labor at a minimum cost. The types of road which can be most economically built by convict labor are those which are made as largely as possible of crushed stone, as the material itself is produced by convict labor near the work. The manufacture of road materials at penitentiaries, shipping the materials thus manufactured by rail to point of use, is undesirable and uneconomical because:

First—Such types of roads require an undesirable heavy investment in manufacturing plant.

Second—An unnecessary and heavy outlay of cash is necessary in transportation of the manufactured product from the penitentiary to the point of use.

The entire tools and machinery of Fulton County employed by its Public Works Department, including quarry and street tools, wagons, grading outfits, steam rollers and complete Warrenite mixing plant, is inventoried at only $50,500, with which, as noted above, it completed public works in 1913 aggregating $385,377, so that the road construction of 1913 aggregated nearly eight times the value of equipment used thereon.

Of course, it must be borne in mind that convicts who are physically incapacitated, either because of age or other infirmity, or because of lack of prior muscular development, cannot be well put at manual labor. As someone has said: "You cannot suddenly turn a bank president into a laborer with a pick and shovel, and expect him to perform much work." In road construction, ever, there is a great deal of employment which is not manual labor, such as time-keepers, material men, watchmen, etc., and it is believed that, as in the business world of free labor, a place can be found on road construction for all classes of convicts, each placed in the department of the work which he is best fitted to fill.

In conclusion, if the entire 100,000 men and boys reported to be now confined in 1,400 prisons, distributed throughout the United States, were employed in road construction, the number so employed in most of the communities would be but a small proportion of the total labor required, and would be so infinitesimal in its effect on free labor similarly employed as not to be felt.

"Organized labor," freely quoted above, is to be congratulated in the humanitarian attitude it is now generally taking in favor of the employment of convicts on outdoor work—preferably on country roads.

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